

Suffolk County, NY

Section 705. General Restrictions and Prohibitions. Section 706. Depp Recharge Areas and Water Supply sensitive Areas

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Health Ordinance

Adopted: 1984

Revised 1985

Suffolk County, NY Sanitary Code, Article 7, Sections 793 P, 705, and 706.

Section 705. General Restrictions and Prohibitions

A. Construction of a Disposal System

1. It shall be unlawful for any person to construct, reconstruct, install or substantially modify any disposal system without first having obtained a permit therefor issued by or acceptable to the commissioner.
2. Section 705.A.1 does not apply to storm water disposal systems unless there is an actual or potential discharge into the system of industrial wastes, toxic or hazardous materials, or sewage.

a. Discharge

1. It shall be unlawful for any person to discharge sewage, industrial wastes, offensive materials, toxic or hazardous materials or other wastes to any surface waters or groundwaters, to the surface of the ground or to a disposal system unless such discharge is specifically in accordance with a State Pollutant Discharge Elimination System (SPDES) Permit or other permit issued by or acceptable to the commissioner for that purpose.
- .2. No permits, as stipulated in Section 705.B.1, are required for the following types of discharges:
 5. discharge of sewage from an existing residential structure to a private or individual sewage disposal system or from any residential structure. houseboat or housebarge to a communal sewage system or municipal sewage system that does not contravene standards or result in a public health nuisance;

b. discharge of sewage from a commercial or industrial facility to a communal sewage system or municipal sewage system;

C. discharge of stormwater to a disposal system unless there is an actual or potential discharge into the system of industrial wastes or toxic or hazardous materials or sewage.

3. For existing discharges not prohibited by law prior to the effective date of this article, a permit shall be obtained within the time limits provided in Section 707.

C. Construction or Operation of a Treatment System

1. It shall be unlawful for any person to construct, modify or operate a treatment system without first obtaining a permit therefor issued by or acceptable to the commissioner.

D. commingling

1. It shall be unlawful for any person to commingle stormwater runoff cooling water, sewage or industrial wastes in any disposal system not approved for that purpose pursuant to this article.

E. Stormwater Discharges

1. It shall be unlawful for any person to develop or use land in such a manner as to cause stormwater runoff from that land to become contaminated and discharged in contravention of the other provisions of this article.

Section 706. Deep Recharge Areas and Water Supply Sensitive Areas

The following additional restrictions and prohibitions shall apply in deep recharge areas and water supply sensitive areas.

A. It shall be unlawful for any person to discharge any restricted toxic or hazardous materials or to discharge industrial wastes from processes containing restricted toxic or hazardous materials to the groundwaters, to the surface of the ground, beneath the surface of the ground, to a municipal or communal sewage system, or to a disposal system except as follows:

1. application of fertilizers, pesticides or other agricultural chemicals approved for that purpose by the appropriate state and federal agencies; or

2 application of road surfacing or road construction materials or deicing salts to roadways, walkways, and parking areas; or

3 discharge from an establishment to a municipal or communal sewage system with effluent disposal to marine surface waters or recharge outside of the deep recharge areas and water supply sensitive areas, and the following minimum requirements are satisfied pursuant to a permit issued by or acceptable to the commissioner:

- a. Dual plumbing systems shall be installed, one for the sanitary wastes and one for industrial wastes.
- b. Sampling access approved by the administrative head of the municipal or communal sewage system and the Department shall be provided for both the sanitary and industrial waste systems.
- C. The administrative head of the municipal or communal sewage system, with approval of the Department, shall determine which industrial wastes are acceptable to "hold and haul" and which require pretreatment prior to discharge to the collection system in order to assure compliance with the applicable sewer use ordinance.

Personnel authorized by the administrative head of ~ municipal or communal sewage system or other individual(s) acceptable to the commissioner, shall operate at each establishment its pretreatment facility for industrial wastes prior to discharge to the collection system.

C. Only batch pretreatment of industrial wastes will be permitted. Batch facilities and facilities for storage of drums containing toxic or hazardous wastes shall be located in an area accessible at all times by district personnel, in or adjacent to the industrial building, with heat and power provided by the owner.

f. Personnel authorized by the administrative head of the municipal or communal sewage system or other individual(s) acceptable to the commissioner, will be responsible for collection and disposal of pretreatment sludges, and other "hold and haul materials.

g. The owner shall allow the personnel authorized by the administrative head of the municipal or communal sewage system or other individual(s) acceptable to the commissioner, access, from time to time, to wet process areas to perform their duties and inspections.

h. Industrial process-area floors shall be provided with adequate means to contain~ any spill of restricted toxic or hazardous materials. The design of containment facilities shall be subject to the approval of the commissioner.

I. A minimum of four (4) groundwater monitoring wells shall be installed at the owner's expense.

j. Financial assurance shall be provided to pay for cleanup of spills. This cost shall be entered as a judgment upon notice against the owner, occupant. tenant. or lessee responsible for such spill or spills.

B. It shall be unlawful to use or store any restricted toxic or hazardous materials on any premises except as follows:

1. a. the intended use of the product stored is solely for on-site heating, or intermittent stationary power production such as stand-by electricity generation or irrigation pump power; and

b. the facility for such storage is intended solely for the storage of kerosene, number 2 fuel oil, number 4 fuel oil, number 6 fuel oil, diesel oil or lubricating oil; and

C. the facility for such storage is constructed in accordance with the construction standards of Article 12 of the Suffolk County Sanitary Code for non-petroleum hazardous materials; and

d. the materials so stored are not industrial wastes from processes, containing restricted toxic or hazardous materials; and

e. the materials stored are not intended for resale; or

2. a. the materials so stored are in containers where the total liquid capacity stored at any time does not exceed 250 gallons and where the dry storage in bags, bulk or small containers does not exceed 2,000 pounds; or

3. a. the materials so stored are intended solely for treatment or disinfection of water or sewage in treatment processes located at the site; or

4. a. the materials are stored solely incident to retail sales on premises and are not processed, pumped, packaged, or repackaged at the site; or

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5. a. the materials are stored at a service station or similar installation solely incident to the distribution of gasoline, kerosene, diesel oil or other petroleum products for motor vehicular uses and repair; and

b. the facility for such storage is constructed in accordance with construction and monitoring standards of Article 12 of the Suffolk County Sanitary Code for non-petroleum hazardous materials; or

6. a. the materials are stored at an establishment for which a permit has been secured in accordance with Section 706.A.3, and a permit for such storage has been granted by the Department.

7. a. the materials are stored on a farm site solely incident to on-premises use, and consist of fertilizers, pesticides, or other agricultural chemicals to be applied in accordance with the provisions of Section 706.A.1.

C. The provisions of Sections 706.A and 706.B of this article shall be applicable:

1. immediately for all non-residential facilities which have not been approved, constructed, or put into operation prior to the effective date of this article; and

2. immediately for all non-residential facilities which were~approved, constructed, or put

into operation prior to the effective date of this article upon:

a. any change in use or process which results in an increase of mass loading in the discharge of restricted toxic or hazardous materials, or introduces a toxic or hazardous material not previously discharged; or

b. any change in use or process which results in an increase of the storage or change of type of restricted toxic or hazardous materials.

D. When upgraded in accordance with the time schedule specified in Article 12, existing facilities, including those for petroleum products, not otherwise covered by items 706.A, 706.B or 706.C, above, shall conform to the standards of Article 12 for non-petroleum hazardous materials. These requirements do not apply to facilities upgraded in accordance with Article 12 prior to the effective date of this article.

p. Restricted Toxic or Hazardous Materials shall mean the following toxic or hazardous chemicals that have been or could be expected to be detected in the groundwater, or in discharges to the groundwater, of Suffolk~ County. This definition applies to these substances alone or in combination, solution or mixture with other substances, or chemically compounded with other elements or compounds.

Arsenic

Barium

Benzene

Bromobenzene

Bromodichloromethane

Bromoform

Cadmium

Carbon Tetrachloride

Chlorobenzene

Chlorodibromomethane

Chloroform

Chlorotoluene

Chromium

Cis 1,2 Dichloroethylene

Creosotes

Cyanide

Dichlorobenzene

1,1 Dichloroethane

1,2 Dichloroethane

1,1 Dichloroethylene

1, 2 Dichloropropane

pDiethylbenzene

Ethylbenzene

p-Ethyltoluene

Fluoride

Freon 113
Lead
Mercury
Methylene Chloride
Nickel
Pesticides
Petroleum Distillates
Phenols
Phthalates
Roadway Deicing Salt
Silver
Styrene
Tetrachloroethylene
1,2,4,5 Tetramethylbenzene
Toluene
1,2,3 Trichlorobenzene
1,2,4 Trichlorobenzene
1,1,1 Trichloroethane
1,1,2 Trichloroethane
1, 1,2 Trichloroethylene
1,2, 3 Trichloropropane
1,2,4 Trimethylbenzene
1,3, 5 Trimethylbenzene
Vinyl Chloride
Xylenes
All other halogenated hydrocarbon compounds.